United Nations A/53/188

General Assembly

Distr.: General
24 July 1998
English
Original: French

Fifty-third session
Item 113 (c) of the provisional agenda*
Human rights questions: human rights situations and reports of special rapporteurs and representatives

Letter dated 22 July 1998 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement by the President of the European Union on Nigeria issued on 22 July 1998.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under item 113 (c) of the provisional agenda.

(*Signed*) Ernst **Sucharipa**
Permanent Representative
of Austria to the United Nations

* A/53/150.

98-21759 (E) 280798 300798

Annex

[Original: English and French]

Statement by the President of the European Union on Nigeria issued on 22 July 1998

The European Union welcomes the announcement made on 20 July by the Nigerian Head of State, General Abubakar, on a completely new transition programme and on his commitment to hand over power to a civilian Government in May 1999, after elections to be held under international monitoring. In this context, the Union expresses its sincere hope for a genuine and transparent path towards an inclusive democratic society and commends the promise of new electoral institutions and the intention of the military government not to interfere in the free formation of new political parties and in a free election process.

The European Union notes with great satisfaction the recent release of a further 10 political prisoners and at the same time the repeated commitment of the military government to set free all remaining political prisoners. The Union also strongly appreciates the commitment to respect for human rights, in particular freedom of expression, of peaceful assembly and of association.

The European Union finally reiterates its preparedness for a constructive political dialogue with the Nigerian authorities and its readiness to render assistance, if asked for, to the democratization process.

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Fifty-third session
Item 155 of the provisional agenda*
Establishment of an international criminal court

Letter dated 22 July 1998 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

I have the honour to draw your attention to the statement by the President of the European Union on the International Criminal Court issued on 22 July 1998.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under item 155 of the provisional agenda.

(*Signed*) Ernst **Sucharipa**
Permanent Representative
of Austria to the United Nations

* A/53/150.

98-21783 (E) 280798 300798

Annex

[Original: English and French]

Statement by the President of the European Union on the International Criminal Court

The European Union expresses its deep appreciation for the successful completion of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, which is an achievement of historical dimensions sending a signal that the world can be made a safer and more just place to live in.

The European Union fully endorses the outcome of the Rome Conference as reflected in the statute adopted by an overwhelming majority of participating States on 17 July 1998. Although not all aspirations could be fully accommodated, this statute lays the foundation for an effective and credible Court as an institution to fight impunity of the most heinous crimes and to deter their commission. The European Union is pleased that complicated and difficult issues such as the definition of crimes, the principle of complementarity, the scope of jurisdiction, the independence of the prosecutor, and the relationship with the United Nations were resolved in a satisfactory manner acceptable to all States members of the European Union.

The European Union is well aware that not all tasks to make the Court a reality have been accomplished yet. In particular, the Preparatory Commission has still to carry out its work as set out in the statute, such as the elaboration of the rules of procedure and evidence. The European Union stands ready to do its utmost to contribute to the accomplishment of this task. The European Union expresses the hope that the required number of 60 ratifications will be reached soon in order for the Court to become operative.

The European Union expresses its particular gratitude to Philippe Kirsch for his outstanding contribution to the success of the Rome Conference and would also like to thank the host country, Italy, for its generous hospitality and for paving the way for the positive outcome of the Conference.

UNITED NATIONS

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GENERAL ASSEMBLY
Fifty-third session
Items 19 and 36 of the provisional agenda*
ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS
COOPERATION BETWEEN THE UNITED NATIONS AND THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE

SECURITY COUNCIL
Fifty-third year

Letter dated 23 July 1998 from the representatives of Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Slovenia to the United Nations addressed to the Secretary-General

Upon the instructions of our respective Governments, we should like to request your kind assistance in circulating the present letter and the letter of the Ministers for Foreign Affairs of Bosnia and Herzegovina, the Republic of Croatia, the Republic of Macedonia and the Republic of Slovenia, addressed to H.E. Bronislaw Geremek, Chairman-in-Office of the Organization for Security and Cooperation in Europe, as a document of the General Assembly, under agenda items 19 and 36 of the provisional agenda, and of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative of
Bosnia and Herzegovina

(Signed) Slobodan TAŠOVSKI
Chargé d'affaires a.i.
Permanent Mission of the Republic
of Macedonia

(Signed) Jelena GRČIĆ POLIĆ
Chargé d'affaires a.i.
Permanent Mission of the
Republic of Croatia

(Signed) Danilo TÜRK
Ambassador
Permanent Representative of the
Republic of Slovenia

* A/53/150.

Annex

Letter dated 1 July 1998 from the Ministers for Foreign Affairs of Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Slovenia addressed to the Secretary-General

We have the honour to inform you herewith of the common position of the Governments of Bosnia and Herzegovina, the Republic of Croatia, the Republic of Macedonia and the Republic of Slovenia with regard to the issue of possible membership of the Federal Republic of Yugoslavia in the Organization for Security and Cooperation in Europe (OSCE).

Our Governments adhere to the position of the international community regarding the international legal personality of the Federal Republic of Yugoslavia, as expressed in relevant resolutions of the United Nations and the Opinions of the Arbitration Commission of the United Nations/European Community Conference on the former Socialist Federal Republic of Yugoslavia. According to United Nation Security Council resolution 777 (1992) and General Assembly resolution 47/1 of 22 September 1992, the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist and the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot automatically continue membership of the former Socialist Federal Republic of Yugoslavia in the United Nations. The issue of continuity of the former Socialist Federal Republic of Yugoslavia is also dealt with in the following United Nations Security Council resolutions: 757 (1992), 821 (1993) and 1022 (1995).

Similarly, the United Nations/European Community Arbitration Commission, in its Opinion No. 8, confirmed that the dissolution of the former Socialist Federal Republic of Yugoslavia was complete and that the Socialist Federal Republic of Yugoslavia no longer existed. In Opinion No. 9, the Commission also stated that five new States had emerged on the territory of the former Socialist Federal Republic of Yugoslavia as equal successor States. In Opinion No. 10, the Commission stated that the Federal Republic of Yugoslavia (Serbia and Montenegro) is a new State and thus cannot be considered the sole successor to the Socialist Federal Republic of Yugoslavia.

Consistent with the above-mentioned position of the international community, our Governments hold the view that the Federal Republic of Yugoslavia, as a new State, should adhere to the established procedure for admission into the Organization for Security and Cooperation in Europe. Therefore, the Federal Republic of Yugoslavia should apply for membership in the manner as was done by all other new States, including our four successor States.

We are aware of the existing stability and security concerns in south-eastern Europe. The Federal Republic of Yugoslavia is an important part of these concerns as well as its solutions. Inclusion of the Federal Republic of Yugoslavia in OSCE and other international organizations would significantly enhance stability in the region, provided that the Federal Republic of Yugoslavia fully shares its responsibility along the well-known European norms for the overall situation in the country and in the region. Our Governments

support such an integration of the Federal Republic of Yugoslavia into the international community.

In this regard, we would like to reiterate that any inclusion of the Federal Republic of Yugoslavia in OSCE and other international organizations should be based on the fact that the Federal Republic of Yugoslavia is a new State, one of the successors to the former Socialist Federal Republic of Yugoslavia. Any other approach or solution would only endanger the prospects of full normalization of the relations between the five successor States and would threaten peace and stability in the region. Therefore it would meet strong objection from the four successor States.

(Signed) Dr. Jadranko PRLIĆ
Minister for Foreign Affairs
of Bosnia and Herzegovina

(Signed) Dr. Mate GRANIĆ
Deputy Prime Minister and Minister
for Foreign Affairs of the Republic
of Croatia

(Signed) Dr. Blagoj HANDZISKI
Minister for Foreign Affairs of
the Republic of Macedonia

(Signed) Dr. Boris FRLEC
Minister for Foreign Affairs of
the Republic of Slovenia